

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting a Proceeding to )  
Investigate the Proposed Tariffs )  
Filed by Kauai Island Utility )  
Cooperative and Other Related )  
Matters. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0498

ORDER NO. 24140

Filed April 9, 2008  
At 1:30 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY  
DEPT. OF BUSINESS, LAND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2006 APR 10 A 9:20

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ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii

Karen Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION	)	Docket No. 2006-0498
	)	
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Investigate the Proposed Tariffs	)	
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Cooperative and Other Related	)	
Matters.	)	
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ORDER

By this Order,<sup>1</sup> the commission grants the Parties' request, dated March 31, 2008, to amend the schedule of proceedings that govern the remainder of the standby service portion of this proceeding, as further explained below.

I.

Background

The following dates presently govern the standby service portion of this proceeding:

1. Status report filed by or on behalf of the Parties, by March 31, 2008.

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<sup>1</sup>The Parties in this proceeding are: (1) KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"); (2) HAWAII RENEWABLE ENERGY ALLIANCE; (3) the COUNTY OF KAUAI; (4) CHAPEAU, INC., dba BLUEPOINT ENERGY, STARWOOD HOTELS AND RESORTS WORLDWIDE, INC., and the HAWAII HEALTH SYSTEMS CORPORATION (collectively, the "BluePoint Energy Intervenors"); (5) MARRIOTT HOTELS SERVICES, INC., on behalf of KAUAI MARRIOTT RESORT & BEACH CLUB; and (6) the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

2. Amended Stipulation, by March 31, 2008.
3. The joint written brief, with or without the BluePoint Energy Intervenors, or separate briefs, addressing the issues identified in Section II of Order No. 23941, by April 7, 2008.
4. BluePoint Energy Intervenors' responsive brief, by April 17, 2008.
5. The non-evidentiary, oral argument hearing on the written briefs, is scheduled for May 13, 2008, 2:00 p.m., at the commission's hearing room in Honolulu (465 South King Street, #B-3). The Parties' counsel or authorized, designated representatives shall appear and participate at the oral argument hearing.

See Order No. 24064, filed on March 3, 2008, Ordering Paragraph No. 2, at 5-6.

By letter dated March 31, 2008, KIUC, on behalf of the Parties, requests the commission's approval to amend the procedural steps set forth in Order No. 24064.<sup>2</sup>

## II.

### Discussion

HAR § 6-61-23(a)(1) authorizes the commission, for good cause shown, to order a period enlarged if a written request is made before the expiration of the period originally prescribed or as extended by a previous order.

With respect to the standby service issue in this proceeding, the Parties, through KIUC, inform the commission as follows:

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<sup>2</sup>KIUC's letter also constitutes the Parties' status report, timely filed on March 31, 2008.

. . . By this submission, on behalf of the Parties, we hereby inform the Commission that, after additional collaborative sessions culminating in the receipt of KIUC Board approval this past Friday, all of the Parties have been able to reach a global settlement on a revised settlement agreement to be respectfully submitted to the Commission for its review and approval. However, the Parties need additional time to prepare and submit a revised Stipulation reflecting this settlement. In addition, because all previously contested issues between the Parties are now resolved between them, the Parties respectfully request that the Parties not be required to submit written briefs and/or responsive briefs addressing the issues identified in Section II of Order No. 23941 issued on December 28, 2007. However, because many of these issues appear to apply specifically to KIUC, KIUC proposes to provide its own written responses to these issues based on the new settlement terms.

KIUC's letter, dated March 31, 2008, at 1 (emphasis added).

For these reasons, the Parties seek to amend the remaining procedural steps, as follows:

1. For Procedural Step No. 2, extending the deadline for the Parties to file their Amended (or Supplemental) Stipulation, from March 31, 2008 to April 14, 2008;

2. For Procedural Step No. 3, replacing the requirement governing the submission of a joint written brief, with or without the BluePoint Energy Intervenors, or separate briefs, addressing the issues identified in Section II of Order No. 23941, by April 7, 2008, with a new requirement that KIUC file a response that addresses the issues identified in Section II of Order No. 23941, by April 14, 2008;

3. Deleting as moot and unnecessary Procedural Step No. 4; and

4. For Procedural Step No. 5, replacing the non-evidentiary hearing, oral argument hearing on the written briefs, scheduled for May 13, 2008, 2:00 p.m., with a commission meeting or briefing to respond to any additional questions by the commission, if deemed necessary or appropriate by the commission, on the same date and time.

Based on the representations set forth in KIUC's letter, dated March 31, 2008, the commission finds good cause to grant the Parties' request to amend the remaining procedural steps; provided that the commission, at this time, will delete the May 13, 2008, 2:00 p.m., date and time for the commission meeting or briefing.<sup>3</sup> Instead, consistent with the Parties' position, following the filing of KIUC's written response by April 14, 2008, the commission will only schedule a meeting or briefing if deemed necessary or appropriate by the commission.<sup>4</sup>

Accordingly, the remaining procedural steps are hereby amended to read as follows:

1. Parties' Amended (or Supplemental) Stipulation, by April 14, 2008.
2. KIUC's response that addresses the issues identified in Section II of Order No. 23941, by April 14, 2008.
3. Meeting or briefing to respond to any additional commission questions, if deemed necessary or appropriate by the commission. The Parties will be notified of the date, time, and location of the commission meeting

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<sup>3</sup>Due to a scheduling conflict, the commission is unavailable on May 13, 2008.

<sup>4</sup>The commission may issue information requests in lieu of scheduling a meeting or briefing.

or briefing, if one is scheduled by the commission.

III.

Orders

THE COMMISSION ORDERS:

1. The Parties' request, dated March 31, 2008, to amend the schedule of proceedings that govern the remainder of the standby service portion of this proceeding, is granted.

2. The remaining procedural steps are hereby amended to read as follows:

- A. Parties' Amended (or Supplemental) Stipulation, by April 14, 2008.
- B. KIUC's response that addresses the issues identified in Section II of Order No. 23941, by April 14, 2008.
- C. Meeting or briefing to respond to any additional commission questions, if deemed necessary or appropriate by the commission. The Parties will be notified of the date, time, and location of the commission meeting or briefing, if one is scheduled by the commission.

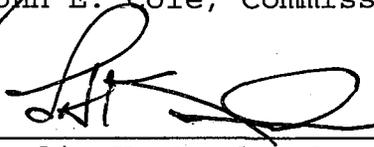
DONE at Honolulu, Hawaii

APR - 9 2008

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

2006-0498.laa

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24140 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Certificate of Service

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DATED: APR - 9 2008